

CHAPTER 13.28

Water, Sewer and Storm Sewer System Reimbursement

13.28.010 Water, sewer, and storm sewer system reimbursement – purpose.

It is the intention of the City Council in providing a reimbursement procedure under this Chapter to provide an appropriate incentive for developers of private property to pay for the initial construction of water, sewer and storm sewer systems to connect their property with existing public water, sewer and storm sewer systems by providing a process whereby a developer can recoup a portion of the initial construction cost of such water, sewer, or storm sewer systems. The City Council also recognizes that it is necessary for a developer to timely apply to the City for reimbursement and further that there shall be a limitation on the period of time expressed in years whereby a developer may recoup his or her cost. (Ord. 025-00, 2000; Ord. 1000-96, 1996)

13.28.020 Conditions invoking eligibility for reimbursement for connections to public water, sewer and storm sewer systems.

Property benefitting from water, sanitary sewer or storm sewer service can be either contiguous or noncontiguous to the system. Noncontiguous development requires the construction of off-premise mains. Off-premise mains are defined as mains constructed to serve a property which is not contiguous to existing water, sewer and storm sewer systems and which cross other private property or properties. Excluded from this definition are water sewer and storm sewer systems in the interior of the property initially served. Storm water detention or retention facilities constructed solely for the benefit of the property initially served are also excluded from this definition. The measurement of the off-premise systems shall be from the point of connection to the existing public system along such main to the point of connection for future line extensions or services. All persons desiring water sewer and storm sewer service for property abutting or in the drainage area of an off-premise main shall be required to pay reimbursement if all of the following circumstances exist:

A. The off-premise system was constructed in accordance with City specifications and requirements with prior approval of the City, at the expense of one (1) or more private persons who have obtained approval for reimbursement from the Water and Sewer Board pursuant to Section 13.28.030 below;

B. The person against whom the reimbursement is to be assessed requests approval for additional line extensions or services which connect to the off-premise system either directly or indirectly within ten (10) years of the completion of the construction. The initial ten-year period may be renewed for an additional five-year period or periods by action of the Water and Sewer Board upon petition by the person or persons who paid for such initial construction. If such renewal petition is not filed prior to the lapse of an initial or renewal period, such renewal shall not be allowed; the granting or denial of a renewal period shall be completely at the discretion of the City Council. The City Council shall first consider the recommendation of the Water and Sewer Board and such recommendation may only be overridden by a vote of five (5) members of the City Council;

C. The property to be served with water sewer or storm sewer service was owned at the time of construction by a person or persons who did not participate in the cost of construction;

D. The property owners against whom the reimbursement may be assessed were notified by the initial developer of their opportunity to participate in the cost of construction prior to the completion of

construction. With respect to all owners of property directly abutting the off-premise system, such notification shall be by both certified and first-class mail, postage pre-paid. With respect to all owners of property not directly abutting the off-premise system but in the drainage area of such off-premise system, such notification shall be in the form of signs (as approved by the Public Works Director) announcing such opportunity erected at the intersection of the off-premises main with all public streets and roads, and left standing at all times during construction of the off-premise system. (Ord. 025-00, 2000; Ord. 1000-96, 1996)

13.28.030 Computation of reimbursement for connection to public mains.

To be eligible for reimbursement for an initial ten-year period, a developer must seek prior approval from the Water and Sewer Board. The area subject to the reimbursement procedure described in Section 13.28.020 above shall consist of land tracts which the Water and Sewer Board determines benefit from the off-premise system. Costs shall be proportionally allocated by the Water and Sewer Board to the land area on a frontage, flow capacity, drainage area or other equitable basis if all conditions are met. The developers seeking reimbursement approval shall submit to the Water and Sewer Board a proposed formula for approval. The allocations shall be calculated on a gross acreage if allocated on a drainage area basis, and shall include all rights of way, storm water facilities, parks and other private land which may be dedicated to public purposes within each tract. In each case, the reimbursement will be computed by prorating the construction cost, without any additional charges other than interest, against the property served by the off-premise system. The reimbursement shall be paid prior to the approval of plans for construction of additional extensions or when service taps are requested, whichever comes first. An interest component may be added, but shall apply to the first ten-year period only, and not to subsequent periods, and it shall be equal to that of ten-year U.S. treasury bills at the completion of construction as evidenced by the date of final approval by the City Council. Eligibility for reimbursement and reimbursement formulas, after recommendation of the Water and Sewer Board must have final approval of the City Council, such approval to be had by a majority of those members present and voting. (Ord. 025-00, 2000; Ord. 1000-96, 1996)

13.28.040 Reimbursement procedure for private payment.

Private persons who pay for the construction of sections of public water, sewer and storm sewer systems and who desire partial reimbursement for such payment shall deliver a written document to the Public Works Director setting forth the total construction cost, and setting forth the name and address of an individual, bank or other organization authorized to receive payments from the City pursuant to this Section. Only water, sewer and storm sewer systems constructed with prior approval of the administrative authority, and in strict compliance with City standard specifications, will be considered for reimbursement. As reimbursement charges are paid to the City pursuant to Sections 13.28.020 and 13.28.030 above, the City shall transmit such payments to such authorized individuals, bank or other organization. The City shall have no responsibility to see that such individual, bank or other organization properly deals with such funds. The City shall not recognize any recipients or claimants other than the named individual, bank or other organization. (Ord. 025-00, 2000; Ord. 1000-96, 1996)